

GAHC010027272015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7521/2015

PRABUDH BORDOLOI and 18 ORS.
S/O. TIRENDRA BORDOLOI, VILL. and P.O. BORCHOTA, P.S. MIKIRBHETA,
DIST. MORIGAON, ASSAM.

VERSUS

THE TIWA AUTONOMOUS COUNCIL and 3 ORS.
MORIGAON, ASSAM REP. BY ITS PRINCIPAL SECY., MORIGAON, DIST.
MORIGAON, ASSAM.

Advocate for the Petitioner : MR.U K DEKA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 25.04.2024

Heard Mr. U.K. Deka, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel for the respondents No.1 and 2. None appears on behalf of State respondents No.3 and 4.

2. By filing this application, the petitioners claim to be the presidents of the various construction committees constituted for execution of various works under different schemes for the year 2011-12 under Tiwa Autonomous Council, have prayed for a direction to the respondent authorities to accept the

bills submitted by the petitioners and to release the payment for the construction work executed by the committees as per work order, to the petitioners.

3. The case projected by the petitioners is that following the guidelines of the State Government, the General Council Meeting of Tiwa Autonomous Council constituted various construction committees for execution of various works under the different sectors for the year 2011-12 . The petitioners were designated as the presidents of the construction committees under the Tiwa Autonomous Council on 17.06.2015 and the committees were given the responsibility to execute the notified works with the assurance that after due verification, payment for the executed work will be made to the committees.

4. It is contended that as per the work orders it was directed that the member secretary of the construction committees will ensure the proper implementation of the scheme as per plan & estimate and maintain all records of the construction work as per financial rule of the Govt. and submit bill in duplicate vouchers with photographic evidence, inspection reports of the scheme for onward submission to the government for releasing sanctioned fund. It is also directed that while submitting the bills a verification certificate from the Additional Deputy Commissioner/Circle Officer/Block Development Officer of the concerned district and duly authenticated work completion certificate from the authority of the technical department is required to be submitted.

5. It is stated that after the constitution of the aforesaid construction committees by the General Council, the same was forwarded to the government in the WPT&BC department for approval and on such approval being made, the payments were released by the government to the council. It is further stated that as per the work orders the petitioners as the presidents of the construction committees started executing the work and completed the works. Since the funds are released by the government only after approval of the construction committees, there is no scope for the council to make alteration in the construction committees after approval of the same.

6. It is contended that by letter No.TAD/BC/49/2010/224 dated 21.07.2015 an amount of Rs.2,54,80,000/- was withdrawn from the Revenue Deposit of the Govt. of Assam and the same was transferred to the exchequer of Tiwa Autonomous Council.

7. Learned counsel for the petitioners submits that the petitioners, who have been made the presidents of the construction committees after completion of the work on approaching the office of the Tiwa Autonomous Council to submit bills, the staff of the council refused to accept the bills. It is stated that on making further enquiry the petitioners were told that the higher ups in the council has asked the staffs not to accept any bills submitted by the construction committee. It is submitted that though there

is no reason for not accepting the bills the authority with ulterior motive has decided not to accept the bills prepared and submitted by the petitioners.

8. Learned counsel for the petitioners further submits that the new incumbents to the office of the Tiwa Autonomous Council instead of taking steps for payment of the outstanding amount to the construction committees is in fact contemplation to cancel the entire construction committees constituted by the earlier body and they are contemplating to replace it with their own people instead of releasing the fund to the present committees headed by the petitioners.

9. Learned counsel submits that the petitioners had to arrange necessary articles to implement the schemes from various source. It is further submitted that the articles are collected for execution of the works mostly on credit and in some cases the presidents by spending from their pockets have completed the work. The works were executed under the guidance of the technical officers who are the government officials and hence there cannot be any reason for the Tiwa Autonomous Council authority not to accept the bills. Such refusal of the authority had created apprehension in the mind of the petitioners that the authority may cancel the work orders and in such case the petitioners shall suffer irreparable loss and injury.

10. It is further submitted that the general body of the Tiwa Autonomous Council selected the present petitioners along with others for implementing various schemes. The Tiwa Autonomous Council has followed a transparent procedure and hence not a single objection has been raised from any quarter against such selection. The appropriate course of action for the council would have been to accept the bills and to make efforts for releasing the amounts sanctioned against each of the schemes.

11. It is submitted that after selection and constitution of the committees by the General Council, same was forwarded to the Govt. of Assam and the Govt. after approving the committees prepared by the Autonomous Council released the fund, which means that fund has been sanctioned against each of the scheme.

12. Learned counsel submits that the committees have executed the construction works awarded by the respondent authorities and submitted bills before the appropriate authority for release of the payment for the above construction works. However, neither the bills have been accepted nor the authorities have released the payment to the petitioners for construction and execution of the works.

13. The learned counsel for the respondents No.1 and 2 submits that appropriate directions may be issued to the respondent council to examine and to verify the claim of the petitioners as no instruction

has been received from the respondents No.1 and 2 as to whether any bills are pending before the respondent authority.

14. Considered the submissions of the learned counsel for the parties.

15. On perusal of the writ petition except for the constitution of committees and the work orders, it is not discernible how much of amount the petitioners are entitled to and pending before the authorities. The work order only shows the estimated amount. Except for the statement made in the body of the writ petition, there is no document to show that the bills are pending before the respondent authorities.

16. However, in the interest of justice, I deem it appropriate to dispose of the writ petition with a direction to the respondent authorities to examine and verify the claim of the petitioners on receipt of a detailed representation that would be filed by the petitioners which this Court is inclined to direct.

17. Accordingly, it is directed that the petitioners shall file a detail representation before the respondents No.1 and 2 specifying their claims within a period of 15 days from today and thereafter the respondents No.1 and 2 shall examine and verify the claim of the petitioners within a period of three months. If found genuine and entitled, same shall be released within three months thereafter.

18. With the above direction, the writ petition stands disposed of.

No order as to costs.

JUDGE

Comparing Assistant